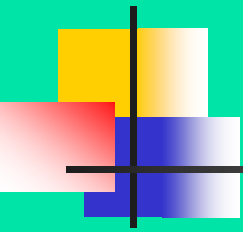


# OO Update ~ 2007

For the Operator Qualification Rules  
49 CFR Part 192/195 (Subparts N /G)

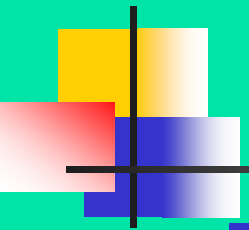




# Why is OQ so Important???

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- One Example -----

- 
- You've carefully thought out all the angles.
- 

- You've done it a thousand times.

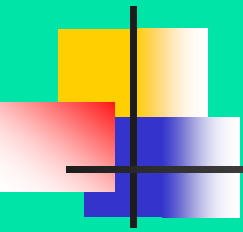
- It comes naturally to you.

- You know what you're doing, its what you've been trained to do your whole life.

- Nothing could possibly go wrong, right ?

Think Again !!!





# Why is OQ so Important???

---

- Another Example -----

Think Again !!!





# "OOQ-1" History

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- Negotiated Rulemaking Produced Rules
- Rules Published 08/27/99 (Required all Individuals Performing Covered Tasks to be Qualified by 10/28/02)
- NTSB Announced that Rule was Insufficient to Support Satisfactory Closure of OOQ Issue
- OPS Initiated "OOQ-2" in fall of 2002



# "OOQ-2" History

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- **OOQ-2** Included:
  - Revisiting Original OOQ Expectations
  - Preparation of Inspection Protocols
  - Development of FAQ's Concept
  - Communication through Web Site
  - Similar to IM Approach





## OOQ-2 History (Cont'd)

---

- **OOQ-2** Led to:

- Industry Concerns Re: Expansion of the Original Rule
- Confusion over Critical Issues
- Series of Public Meetings to Identify and Discuss/Clarify Issues



## OOQ-2 History (Cont'd)

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- Congress Weighs-In (PSIA-2002)
  - OOQ “Standards and Criteria” Must be in Place by 12/17/03
  - Regulators Must Complete Initial Inspections of all Operators by 12/17/05
  - Pilot Program for Certification of Pipeline Controllers must be Completed by 12/17/05



# OQ-2 History (Cont'd)

---

- Congress Weighs-In (PSIA-2002)
  - Operators must provide TRAINING, as appropriate, to provide individuals with necessary knowledge and skills
  - Failure of OPS to act (issue regs.) does not excuse Operators from requirement to comply
  - “**Significant**” modifications to the Operator’s OQ program must be communicated to OPS



# Public Meetings Conducted OOQ-2 History (Cont'd)

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- January 2003  
San Antonio
- February 2003  
Houston
- March 2003  
Phoenix
- April 2003  
Atlanta
- Industry raised some concerns in 1<sup>st</sup> meeting that were collected into "Thirteen OOQ Implementation Issues"
- Subsequent meetings resolved some; rest to be addressed in a new consensus "standard" (ASME B31.Q)



# OPS 13 Perceived Gaps (1-7)

---

- Scope of OQ inspections
- Lack of identified knowledge, skills and abilities
- Re-evaluation intervals
- Maintenance vs. new construction
- Treatment of emergency response
- Missing covered tasks (excavation)
- Extent of documentation



# OPS 13 Perceived Gaps (8-13)

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- Generic vs. task specific Abnormal Operating Conditions
- Treatment of training
- Criteria for small operators
- Use of directing and observing (span of control)
- Noteworthy practices
- Persons contributing to an accident

# One Problem: Definition of *“Qualified”*

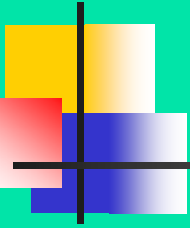


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**“Qualified”** means that an **individual** has been **evaluated** and can:

- (a) **Perform assigned covered tasks; and**
- (b) **Recognize and react to abnormal operating conditions.**

# One Problem: Definition of *“Qualified”*



- ✓ Which **Individuals** are Covered?
- ✓ Who **Evaluates** and How?
- ✓ How are **Covered Tasks** Determined?
- ✓ What are **AOC's** ?
- ✓ What does **“Recognize and React”** Mean?





# Abnormal Operating Condition

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## **Malfunction of a Component, or Deviation from Normal Operations**

- **Condition that may exceed design limits**
- **Potential hazard to people/property/  
environment**



# Persons Covered by OQ Rule

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## **Individuals Who Perform Covered Tasks:**

- **Operator Employees**
- **Contractor Employees**
- **Sub-Contractor Employees**
- **“Other Entities” Performing CT’s**

# “Other Entities” Performing Covered Tasks





# Statement on the Role of OQ Protocols

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- OQ Rule is Broad-Based, which Implies a Need for
  - Management Practices & Procedures
  - Measurement of Program Effectiveness
- Protocols Support Rule/PSIA



# Inspection Format

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- Use of 16 protocol questions  
Including process, procedure,  
and records *(Elements 1-8)*
- **Field verification**  
Review of task performance, followed  
procedure and knowledge of AOC's  
*(Element 9)*



# Statement on the Use of OQ Protocols

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- The Role of Protocols
  - Checklist to Support Inspectors & Provide Consistency in Evaluating OQ Programs
  - Structured into “Protocol Questions”, which are paired directly with prescriptive and non-prescriptive requirements of the rule



# Statement on the Use of OQ Protocols

---

- Nature of the Rule – Cont'd
  - Inspectors Will Evaluate Compliance with the Rule's Prescriptive Provisions - and
  - Will Evaluate the Completeness and Anticipated/Apparent Effectiveness of the Documented Approaches Taken to Qualify Individuals



# OQ Rule ~ Prescriptive Requirements (Original Rule)

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- Must Have & Follow Written OQ Program
  - Written Program Must Meet 7 Listed Provisions
- Operator Shall Maintain Records
  - Records Must Include 4 Specified Items
- Operator Must Meet Specified Dates
  - Written Program By April 27, 2001
  - Personnel Qualified By October 28, 2002
  - Cannot Use WPHR Alone After October 28, 2002





# Observations from Early Inspections: Findings

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- Programs Varied Considerably in Maturity
- Many Written Programs tended to “parrot” rule Requirements without thinking through Procedures to Implement Program



# Observations from Early Inspections: Findings

---

- Significant Differences in Number of Covered Tasks (Use of Sub-Tasks)
- Significant Differences in Tasks Deemed to be “Covered” (Definition Issue)



# Observations from Early Inspections: Findings

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- Operators Place Significant Responsibilities on Front-Line Supervisors for Success of OQ Program
- Absence of Evaluation Criteria, Qualification Documentation and Inclusion in Program Development
- “set up” Supervisors for Failure



# Observations from Early Inspections: Findings

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## Operators Differed in Treatment of Some "Outstanding Issues":

- O&M Activities vs. "New Construction" (A "Definition" Problem...)
- Excavation over Loaded Pipelines
- Inclusion of Emergency Response Tasks
- Integration of **Training** documentation into the OQ Program



# Observations from Early Inspections: Findings

---

## Operators Differed in Treatment of Some “Outstanding Issues”:

- **AOCs** (Task-Specific often Integrated into Individual Tasks & Evaluations; Generic AOCs then Treated Separately – or Not Addressed in some cases)



# Observations from Early Inspections: Findings

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## Operators Differed in Treatment of Some “Outstanding Issues”:

- Specific Guidance on Span-of-Control (for Use of **Non-Qualified** Individuals)
- Identifying Persons Contributing to Incident/Accident:
  - **Immediate** Contribution (easier)
  - **Delayed** Contribution (harder)



# Observations from Early Inspections: Findings

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## Most Operators Treated Some "Outstanding Issues" Similarly:

- Justification for **Reevaluation Intervals** was "Subjective" (No Evidence Provided tying Quantitative Performance Measures to the Established Intervals)
- Tendency to (Try to) Place the Compliance Burden on **Contractors**



# Observations from Early Inspections: Findings

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- Rigor of **Contractor Qualification** Varied Considerably, Leading to Strong Concern about Adequacy of Operator's Contractor Qualification Procedures
- Many Operators did not Consider **Replacement** of "out-of-service" Pipelines as O&M (a "Pipeline Facility" definition problem)





# Observations from Early Inspections: Findings

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- Inconsistent use of “WPHR” (Work Performance History Review) to “Pre-Qualify” Individuals



# Observations from Early Inspections: Findings

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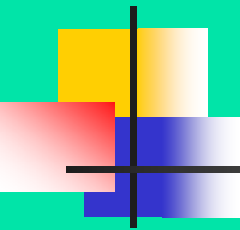
- Rigor of **Evaluator Credentialing** (or Selection) has Varied Considerably
- Insufficient Level of Detail in **Evaluation Process**



# Observations from Early Inspections: Findings

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- Large Variations in Plans to **Evaluate** Program Effectiveness, Ranging from:
  - No Specific Plan to Review Program
  - Formally Review Program “as needed” and Assignment of Responsibility for Periodic Program Review



# Current Inspection Findings (Field)

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- Front line supervision – OQ knowledge and responsibilities
- Tasks performed incorrectly while inspectors on site
- AOC's not known and/or identified



# Recent Events

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- Advisory Bulletin published 11/26/04
  - Documentation of Role of Training
  - Support for Reevaluation Interval
  - Reporting of "Significant Changes"



# Recent Events

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- DFR (Amendment 192-100)  
published 3/3/05; effective 7/1/05
  - Operator to Provide Training to  
Individuals Performing CT's\*
  - Operator to Report "Significant  
Changes" to OPS/State Agency\*
  - *Did Not* Address  
Requalification/Reevaluation Intervals



# Recent Events

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- DFR (Amendment 192-100)  
published 3/3/05; effective 7/1/05
  - Operator may not use Observation of  
On-the-Job Performance as Sole  
Method of Evaluation\*

\* After 12/16/04 (per PSIA of 2002)



# Current Events

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- ASME B31Q Published in Fall 2006
- PHMSA Initially Rejected Adoption of B31Q
- Committee Revived to Stimulate Interest in B31Q
- Additional Supplementary Rulemaking Based/Not Based on B31Q Possible





# ASME B31Q – Cautions

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- Regardless of B31Q Progress:
  - ▶ OQ Regulation In Existence
  - ▶ Inspections Completed and Are Continuing (Protocol 9)
  - ▶ Citations Issued and Civil Penalties Levied



# Future Rulemaking?

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- Mandating Training Requirements for Specific Situations (e.g., major change to covered task)
- Required Re-evaluation Intervals of 5 Years or Less
- Process to Verify Integrity of New Construction (not necessarily OQ)



# Staying Current

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<http://primis.phmsa.dot.gov/oq/>